

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ELEKTRA ENTERTAINMENT)
GROUP, INC., et al.,)
)
Plaintiffs,)
)
vs.)
)
NICK NAPOLI,)
)
Defendant.)

CASE NO. 3:04-CV-1036-F

PLAINTIFFS' NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs hereby file this Notice of Dismissal Without Prejudice of this action and Defendant Nick Napoli pursuant to Rule 41(a)(1)(i) of the *Federal Rules of Civil Procedure*.

Mr. Napoli has not been served with or filed an answer in response to Plaintiffs' Complaint.

Respectfully submitted this 17th day of April, 2006.

/s Kelly F. Pate

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the defendant on April 17, 2006 by leaving the copy with the clerk of the court pursuant to *Federal Rule of Civil Procedure* 5(b).

/s Kelly F. Pate
OF COUNSEL